

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
CASE NO. 7:14-cv-270-FL

ALAN TROY, ADMINISTRATOR
OF THE ESTATE OF
DARLENE MAYBANKS TROY,

Plaintiff

v.

SARAH PATTON TOWNE, DO, and
UNITED STATES OF AMERICA,

Defendants

ORDER ON
MOTION TO DISMISS
Fed. R. Civ. P. 41(a)(2)

This matter comes before the Court, pursuant to F. R. Civ. P. 41(a)(2), on Plaintiff's Motion to Dismiss from the above captioned case, Troy v. Towne and United States, 7:14-cv-270-FL, all claims that arise out of the actions of Erin D. Williamson and Carole A. Flaughner. Since the United States has substituted itself for Defendants Williamson and Flaughner, Plaintiff moves to dismiss without prejudice so that Plaintiff can continue to pursue against the United States all claims that arise out of the actions of Williamson and Flaughner as set out in the action captioned Troy v. United States, 7:14-cv-00193-FL.

The Court held a telephone conference on this matter on January 12, 2015 with counsel for Plaintiff, Dr. Towne, and the United States in attendance. Defendants, Dr. Towne and the United States, posed no objection to said motion.

Having considered the motion and having heard and considered the positions of the parties, the Court hereby grants the Motion.

IT IS HEREBY ORDERED that Plaintiff's Motion to Dismiss all claims arising out of the actions of Nurse Practitioners Williamson and Flaughner from the case captioned Troy v. Towne and United States, 7:14-cv-270-FL, without prejudice to Plaintiff continuing to pursue claims arising out of the actions of Nurse Practitioners Williamson and Flaughner in the action captioned Troy v. United States of America, 7:14-cv-00193-FL, is hereby GRANTED.

SO ORDERED, this 29th day of January, 2015.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. The first letter "L" is large and loops around. The "W" and "F" are also prominent. The signature is positioned above a horizontal line.

LOUISE W. FLANAGAN
United States District Court Judge